

**UTAH
CONSTRUCTION SERVICES COMMISSION
MEETING MINUTES**

August 29, 2007

**Room 474 - 4th Floor - 09:00 A.M.
Heber Wells Building
160 East 300 South
Salt Lake City, Utah**

CONVENED: 09:00 AM

ADJOURNED: 12:20 PM

DOPL STAFF

F. David Stanley, *Director*
Dennis Meservy, *Bureau Manager*
Wayne Holman, *Investigations Supervisor*
Yvonne King, *Commission Secretary*
Clyde Ormond, *Bureau Manager (Bureau 6)*
Lenore Epstein, *Attorney General's Office*
Ray Walker, *Reg/Comp Officer*

MEMBERS PRESENT

Bradley Stevens, *Chairman & Electrical Board Chairman*
Wendy Gibbs
John Wilcox
Joel (Marty) Jolley
Steve Bowers
Larry Love, *Burglar Alarm Board Chairman*
Carl Tippetts
Ross Ford
David Told, *Plumbers Board Chairman*

VISITORS

Robert Dudley
Erik M. Eastlyn, *Contractor's School Inc.*
Orrin Farnsworth, *Utah Energy Association*
Ken Gardner, *Gardner Engineering*
Sarah Lamb, *Utah Contractor's Center*
Ron Olsen
Jeff Pedersen, *UPHCA*
Brian Smith, *Renewable Synergy*
Ryan Werlich, *Splash Zone*

NEW COMMISSION MEMBER

David Told is the new chairman of the plumbing board and replaced Robert Dudley, the previous plumbing board chairman, on the commission. Told was sworn in as a new commission member by Dennis Meservy.

**ADMINISTRATIVE
RULES HEARING**

Administrative Law Judge Steven Eklund held a hearing before the commission on the proposed changes to the construction trades licensing act rules R156-55a.

RONALD OLSEN HEARING

Administrative Law Judge Steven Eklund conducted a hearing before the commission in regards to Ronald Olsen dba Lone Peak Roofing to act as a contractor in the state.

BUSINESS

Minutes

Larry Love made a motion to approve the minutes for the July 2007 commission meeting. John Wilcox seconded the motion and all members voted in favor.

Proposed Rules Discussion

Ryan Werlich of Splash Zone supported the proposed S700 Specialty License Contractor classification. He installed splash pads and had been directed by the Division into the S380 Swimming Pool and Spa Contractor license classification. He, however, was seeking the S700 and it was his opinion the specialty classification was a better fit for what he did. The commission members expressed support for the proposed S700 license classification, but did not necessarily agree the S700 was the proper fit for Werlich. Told was of the opinion the license classification for Werlich was the S330 Landscaping, because it included fountains in its definition. The commission members were concerned there was no trade test for the S700 and they did not want to see this license classification overused. Ray Walker mentioned too many specialty licenses would make regulation more difficult.

The plumbing board members and Utah Plumbing and Heating Contractors Association (UPHCA) were in opposition to the proposed S214 Water Conditioning and Potable Water Heater Equipment Contractor license classification.

Told made a motion to retain the present language in the administrative rules for the S214 Water Conditioning Equipment Contractor license classification. Ross Ford seconded the motion and all voted in favor.

The Home Builders Association was in opposition to the proposed rule that would increase the work experience requirement from two to four years for the S220 Carpentry Contractor license classification.

Also, in the hearing conducted by Administrative Law Judge Steven Eklund for the proposed rule changes, there were concerns expressed about the proposed S202 Solar Photovoltaic Contractor license classification. An issue was the last sentence of the S202 that excluded “work on any alternating current system or system component.”

Carl Tippetts made a motion to move the proposed rules forward with the exception of the S214 license classification. The S214 would retain the language in the present administrative rules. Steve Bowers seconded the motion. The commission passed the motion by a vote of seven in favor and two opposed. Ross Ford and John Wilcox voted against the motion. They opposed the change to the four year work experience requirement for the S220 Carpentry Contractor license classification.

The public still had two days to submit written comments on the proposed rules. Tippetts made a motion that the previous motions were contingent upon nothing coming forth from the public that would necessitate the commission to change their position on the proposed administrative rules. Love seconded the motion and all members voted in favor.

Continuing Education

Meservy presented a new rough draft administrative rule for continuing education. Brad Stevens stated this would be an agenda item for the September commission meeting.

DISCIPLINARY REVIEW

Scott Beal/Scott Beal Excavation

Meservy presented a Default Order (DOPL 2007-109) to revoke the contractor license of Scott Beal dba Scott Beal Excavation. Tippetts made a motion to approve the order revoking the license. Love seconded the motion and all members voted in favor.

Peter John Bekker

Meservy presented a Default Order (DOPL 2007-130) to revoke the contractor license of Peter John Bekker. Love made a motion to approve the order. Tippetts seconded the motion and all members voted in favor.

Mountaincrest Construction Inc

Meservy presented a Motion of Dismissal (DOPL 2007-155) for Mountaincrest Construction. Proof of insurance had not been provided to the Division.

However, prior to the hearing documentation was provided that showed Mountaincrest had maintained insurance coverage except for a period of time when the company was not in operation. Tippetts made a motion to approve the Motion to Dismiss. Jolley seconded the motion and all members voted in favor.

Vergil N. Zaugg

Meservy presented a Stipulation and Order (DOPL 2007-156) for Vergil N. Zaugg. Zaugg had cancelled his liability insurance and was no longer in business. He agreed in the stipulation that his conduct was unprofessional and to surrender his contractor's license. Wilcox made a motion to approve the stipulation. Love seconded the motion and all members voted in favor.

INVESTIGATIONS

Wayne Holman submitted a report on criminal misdemeanor filings, criminal felony filings, administrative filings, citation fines, administrative fines, cases received, cases assigned, cases closed, citations issued, site surveys, building inspectors contacts, MHRV inspections, owner/builder permits received, owner/builder investigations and letters of warning. This report gave a comparison for the years 2003 to July of 2007.

All business concluded meeting adjourned.

Note: This report is not intended to be a verbatim transcript, but is intended to record the significant features of what was discussed in the meeting. Discussed items are not necessarily arranged in chronological order.

(ss) Bradley Stevens
Bradley Stevens, Commission Chairman

Date: September 26, 2007

(ss) Clyde Ormond
Clyde Ormond, Bureau Manager

Date: September 26, 2007